

IN UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS

IN RE:) Chapter 13
Oscar F Ceja) Bankruptcy Case No. 08 – 27611
Susan M Ceja)
Debtor(s)) Judge Pamela S. Hollis

Debtors, Oscar F. Ceja and Susan M. Ceja,

Movants,

vs.

Chase Bank USA, N.A.

Respondent.

NOTICE OF MOTION TO COMPEL

To: Mr. Michael D. Fine
Chase Bank USA, N.A.
131 S. Dearborn St.
Chicago, IL 60603

*Oscar & Susan Ceja
1451st Whipple
Rosen Pl 60469*

PLEASE TAKE NOTICE that Debtors' counsel, Thomas W. Toolis, has filed a motion to compel. A copy of the motion and proposed order are attached.

PLEASE TAKE FURTHER NOTICE that a hearing will be held on said motion on June 1 2009 at 9:30 am before Judge Hollis or whoever is presiding in said Judge's stead at the following address: 219 S. Dearborn St. Room 644, Chicago, Illinois.

May 12, 2009

/s/ Thomas W. Toolis

By: Thomas W. Toolis

Thomas W. Toolis
Attorneys for Debtors
9031 W. 151st Street, Ste 203
Orland Park, IL 60462
708-349-9333
6270743

AFFIDAVIT OF SERVICE

As an attorney, I certify under penalty of perjury that I mailed a copy of this notice (and the attached motion and order) to the above listed persons by depositing same in the U.S. Mail at a U.S. Post Office Box in Orland Park, IL on May 12, 2009, postage prepaid, addressed to the people listed above.

/s/ Thomas W. Toolis

Thomas W. Toolis

Marilyn O Marshall by Electronic Mail

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MOTION TO COMPEL

NOW COME the Movants, OSCAR and SUSAN CEJA, by and through their attorney, THOMAS W. TOOLIS of Jahnke & Toolis, LLC., pursuant to previous order of this Court dated January 26, 2009. In support of its Motion, the Petitioner states as follows:

1. On January 14, 2009, Movants Filed Motion for Sanctions Arising out of Violations of the Automatic Stay Provided for by Section 362 of Title 11 of the United States Code.
2. On January 26, 2009, the Court entered an Agreed Order for Turnover of Funds, through which Chase Bank USA NA was to forward \$1,411.16 for Debtor's garnishment refund to the law offices of Jahnke & Toolis, LLC within 21 days of entry of the order. *See Exhibit A.*
3. On March 10, 2009, the attorney for the Movants send a letter via facsimile to the attorney for the Respondent requesting that the Respondent turnover Movants' garnishment refund in the amount of \$1,411,16. *See Exhibit B.*
4. On May 5, 2009, the attorney for Movants called and left a message for the Respondent's Attorney requesting to be contacted in reference to the garnishment refund.
5. The Attorney for the Respondent failed to return the phone call.

6. On May 6, 2009, the attorney for the Movants send a letter via facsimile to the attorney for the Respondent and requested that the Respondent turnover Movants' garnishment refund. *See Exhibit C.*
7. On May 6, 2009, the attorney for the Movants notified Respondent's attorney that if the funds are not delivered to the attorney for the Movants by May 8, 2009, Movants will file Motion to Compel. *See Exhibit C.*
8. To date, Respondent failed to turn over the funds garnished from the Movants.

Wherefore, Movants request the following:

1. Chase Bank USA NA will refund Debtor, Oscar Ceja \$1,411.16 c/o Thomas W. Toolis Jahnke & Toolis, LLC 9031 West 151st Street, Suite 203, Orland Park, Illinois 60462; and
2. Chase Bank USA NA will pay attorney's fees to Thomas W. Toolis for costs of this Motion;
3. Sanctions in the amount of \$100.00 per day for every day Chase Bank NA has failed to tender funds to the debtor.
4. Any other and further relief the Court may deem necessary.

Respectfully submitted,

/s/ Thomas W. Toolis
Thomas W. Toolis
Attorney for Movants

Thomas W. Toolis
Jahnke & Toolis, LLC
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Orland Park, Il 60462
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